

Remarks:

Applicants have read and considered the Office Action dated September 4, 2008 and the references cited therein. Claims 1, 3-6, 8, 13, 16-19, 21 and 26 have been amended. New claims 30-34 have been added. Claims 2, 20, 24-25 and 27-29 have been cancelled without prejudice or disclaimer. Claims 1, 3-19, 21-23, 26 and 30-34 are currently pending. Reconsideration is hereby requested.

In the Action, the title was objected to as not being descriptive. Please amend the title to read: METHOD FOR PROCESSING IMAGES OF IRREGULARLY SHAPED OBJECTS. Applicants assert that the title as amended is clearly indicative of the invention to which the claims are directed and that the objection is overcome.

The Abstract of the Disclosure was objected to because it exceeds 150 words. A new Abstract is included that complies with the word limit. Applicants assert that the objection to the Abstract of the Disclosure has been overcome.

Claims 4 and 5 were objected to because of informalities. The informalities have been corrected and Applicants assert that the objection to the claims has been overcome.

Claims 27-29 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Claims 27-29 have been cancelled without prejudice or disclaimer. Applicants assert that the rejection is moot and should be withdrawn.

Claims 1-29 were rejected under 35 U.S.C. § 112 as failing to comply with the enablement requirement and in claims 1, 16 and 20, the use of the phrase and/or was non-enabling. The claim language in question has been deleted from the claims. Applicants assert

that the claims are enabling and that the rejection under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Claims 2, 5 and 13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The antecedent basis issues have been corrected in those claims. Applicants note that claim 2 has been cancelled. The use of the word "such" in claim 13 renders the claim indefinite. The term has been deleted from the claim. With regard to claim 24, the multiplication by the distance has been clarified. Applicants assert that the indefiniteness rejection has been overcome and requests that the indefiniteness rejections be withdrawn.

Claims 1, 10, 11, 20, 24, 28 and 29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kenet. Claim 1 has been amended and incorporates claim 2, which was indicated as having allowable subject matter. Claims 10-11 depend directly or indirectly from claim 1 and are therefore also believed to be allowable. Claims 20, 24, 28 and 29 have all been cancelled without prejudice or disclaimer. Applicants assert that the rejection has been overcome and requests that it be withdrawn.

Claims 4, 5 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenet in view of an article from the Journal of Thermal Spray Technology. Claims 4 and 5 depend from claim 1, which is believed to be allowable as discussed above. Claim 27 has been cancelled without prejudice or disclaimer. Applicants assert that claims 4 and 5 are in condition for allowance and request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenet and Spiliotis. Claim 12 depends from claim 1, which is believed to be allowable as discussed above. Applicants therefore assert that claim 12 is also allowable. Applicants request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenet in view of Mazzone. Claim 25 has been cancelled without prejudice or disclaimer. Applicants note that new claim 30 is claim 25 substantially rewritten to overcome the indefiniteness rejections. New claim 30 depends from claim 26, which was indicated as having allowable subject matter if rewritten in independent form. Applicants assert that claim 26 is therefore allowable and that new claim 30 depending from claim 26 is also allowable. Applicants request that the rejection under 35 U.S.C. § 103(a) over Kenet in view of Mazzone be withdrawn.

Claims 2, 3, 6-9, 13-19, 21-23 and 26 were indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter. Claim 2 has been incorporated into claim 1. Claim 6 has been rewritten in independent form and claim 7 depends from claim 6. Claim 8 has been rewritten in independent form and claim 9 depends from claim 8. Claim 13 has been rewritten in independent form and claims 14, 15 and 16 depend from claim 13. Claims 17, 18 and 19 have all been rewritten in independent form. Claim 21 has been rewritten in independent form while claims 22 and 23 depend from claim 21. Claim 26 has been rewritten in independent form. Applicants assert that the claims patentably distinguish over the prior art and overcome the § 101 and § 112 rejections and are in condition for allowance.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicants' representative at (612) 336-4728.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

1/5/09

By: _____

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GAS/km